

United States District Court  
Southern District of Texas  
FILED

JUN 18 2012

Clerk of Court

## UNITED STATES DISTRICT COURT

SOUTHERN

DISTRICT OF

TEXAS

UNITED STATES OF AMERICA  
V.Jose Luis Huerta-Aguilar  
Mexican Citizen  
YOB 1981

## CRIMINAL COMPLAINT

Case Number: *M-12-1262-M*

I, Marco Rodriguez, the undersigned complainant state that the following is true and correct to the best of my

Knowledge and belief. On or about June 16, 2012 in Hidalgo County, in  
(Date)  
the Southern District of Texas Defendant(s) did,

directly and indirectly give/offer something of value that is \$6000.00 pesos in Mexican currency and \$495.00 in U.S. currency to a public official, that is Supervisory Customs &amp; Border Protection Officer Efrain De Los Santos while on duty with the intention to influence their official act, that is to allow the illegal entry of Huerta-Aguilar and two other undocumented aliens

in violation of Title 18 United States Code, Section(s) 201(b)(1)I further state that I am a(n) Special Agent And that this complaint is based on the  
Official Title  
following facts:

See Attachment "A"

Continued on the attached sheet and made a part of this complaint: ☒ Yes ☐ No*Approved to file  
T. L. Leonard  
Asst U.S. Attorney**Marco Rodriguez*  
Signature of ComplainantMarco Rodriguez, DHS/OIG  
Printed Name of Complainant

Sworn to before me and signed in my presence,

June 18, 2012  
Date

at

McAllen, Texas  
City and StateU.S. Magistrate Judge, Dorina Ramos  
Name and Title of Judicial Officer*Dorina Ramos*  
Signature of Judicial Officer

## Attachment A

On June 14, 2012, at approximately 2:20 p.m., Supervisory Customs and Border Protection Officer (SCBPO), Efrain De Los Santos, Progreso, TX Port of Entry received several Push to Talk (PTT) alerts from radio number, [REDACTED] on his government issued Blackberry PTT radio, [REDACTED] SCBPO De Los Santos returned the PTT alert to [REDACTED] and spoke to an unknown Hispanic male in the Spanish language. The unknown Hispanic male requested assistance from SCBPO De Los Santos in crossing a family into the United States for a total sum of \$1,000.00 US dollars per person. SCBPO De Los Santos asked the unknown male if he knew who he was speaking to and the unknown Hispanic male answered "yes", and further explained that he knew that SCBPO De Los Santos worked at the bridge. The unknown Hispanic male provided his last name to SCBPO De Los Santos as Gonzalez.

On June 14, 2012, at approximately 4:31 p.m., SCBPO De Los Santos received an alert on his government issued Blackberry PPT radio [REDACTED] from PTT number, [REDACTED] The unknown Hispanic male asked SCBPO De Los Santos if he had spoken to his uncle named Rodolfo Gonzalez-Huerta. SCBPO De Los Santos acknowledged his conversation with Gonzalez and his request of SCBPO De Los Santos to assist an unknown family. The unknown Hispanic male asked De Los Santos if he could assist the family as a favor and further acknowledged that he understood that favors aren't free. SCBPO De Los Santos instructed the unknown male that he would return his call at a later time.

On June 14, 2012, at approximately 9:01 p.m., the Department of Homeland Security (DHS), Office of Inspector General (OIG), conducted a consensually monitored PTT conversation from SCBPO De Los Santos' PTT number [REDACTED] to the unknown Hispanic male at PTT number, [REDACTED] SCBPO De Los Santos asked the unknown Hispanic male what form of assistance he was requesting from SCBPO De Los Santos. The unknown Hispanic male acknowledged that he was seeking assistance from SCBPO De Los Santos in crossing a family through the bridge who did not have "papers". The unknown Hispanic male further acknowledged that his uncle had offered SCBPO De Los Santos \$1,000.00 dollars in US currency per person to allow their illegal entry through the bridge. The unknown Hispanic male acknowledged that they would pay whatever amount SCBPO De Los Santos requested. SCBPO De Los Santos acknowledged that he would accept \$1,000.00 US dollars per person from the unknown Hispanic male to assist the family. The unknown Hispanic male agreed and stated that the family would consist of a male subject along with his 25 year old spouse and their one year old child. SCBPO De Los Santos requested the unknown Hispanic male pay \$1,500.00 dollars prior to the smuggling event. The unknown Hispanic male agreed to pay the \$1,500.00 dollars to SCBPO De Los Santos.

On June 14, 2012, at approximately 9:19 p.m., DHS OIG conducted a subsequent consensually monitored PTT conversation from SCBPO De Los Santos' PTT number, [REDACTED] to the unknown Hispanic male at PTT number, [REDACTED] The unknown Hispanic male acknowledged that he would be paying a total of \$3,000.00 US dollars to SCBPO De Los Santos in order for him (SCBPO De Los Santos) to allow the illegal entry of a male along with his spouse and minor child. SCBPO De Los Santos asked the unknown Hispanic male if any of the three family members possessed any form documentation which would allow them to legally enter the United States. The unknown Hispanic male answered "no". The unknown Hispanic male further explained that the three family members were all born in Mexico.

On June 15, 2012, at approximately 11:56 a.m., DHS OIG conducted a subsequent consensually monitored PTT conversation from SCBPO De Los Santos' PTT number, [REDACTED] to the unknown Hispanic male at PTT number, [REDACTED]. SCBPO De Los Santos asked the unknown Hispanic male if he had already obtained the money. The unknown Hispanic male acknowledged that he was attempting to sell various vehicles with the purpose of raising the initial payment of \$1,500.00 dollars that SCBPO De Los Santos had requested. Furthermore, SCBPO De Los Santos stated to the unknown Hispanic male that they both could potentially end up in jail. The unknown Hispanic male stated that this was all simply between him, his family and the SCBPO.

On June 16, 2012, at approximately 6:38 p.m., DHS OIG conducted a subsequent consensually monitored PTT conversation from SCBPO De Los Santos' PTT number, [REDACTED] to the unknown Hispanic male at PTT number [REDACTED]. The unknown Hispanic male stated that he was only able to raise \$1,000.00 dollars of the \$1,500.00 dollars previously agreed upon. SCBPO De Los Santos then requested that the unknown Hispanic male meet him in Weslaco to collect the \$1,000.00 dollars. The unknown Hispanic male then asked SCBPO De Los Santos if he would meet him at the UETA store located near the bridge. SCBPO De Los Santos stated to the unknown Hispanic male that the UETA store has cameras and is within view of the officers at the bridge. The unknown Hispanic male stated that there was a problem and then stated that the problem was that he was one of the three family members that would be crossing. The unknown Hispanic male further stated that he would be the one who was going to be paying SCBPO, De Los Santos. SCBPO De Los Santos then asked the unknown Hispanic male who would be crossing and the unknown Hispanic male stated that it would be him along with his spouse and one year old child.

On June 16, 2012, at approximately 7:09 p.m., DHS OIG conducted a subsequent consensually monitored PTT conversation from SCBPO De Los Santos' PTT number, [REDACTED] to the unknown Hispanic male at PTT number, [REDACTED]. SCBPO De Los Santos once again stated to the unknown Hispanic male that the agreement was strictly between them two and that he (SCBPO De Los Santos) could potentially go to jail for what he is doing. The unknown Hispanic male agreed to meet SCBPO De Los Santos at the Progreso, TX POE and stated that he would be wearing a gray shirt and blue jeans. The unknown Hispanic male then described himself as being short with a dark complexion and would be accompanied by his spouse and one year old child. The unknown Hispanic male reassured SCBPO De Los Santos that he (unknown Hispanic male) would be the one crossing and that he (SCBPO De Los Santos) would be able to recognize his voice.

On June 16, 2012, at approximately 8:13 p.m., DHS OIG conducted a subsequent consensually monitored PTT conversation from SCBPO De Los Santos' PTT number, [REDACTED] to the unknown Hispanic male at PTT number [REDACTED]. The unknown Hispanic male acknowledged having the money and provided a detailed description of his spouse's clothing and his child's clothing.

On June 16, 2012, at approximately 8:30 p.m., SCBPO De Los Santos escorted an unknown Hispanic male along with an unknown Hispanic female and a small child who matched the description provided by the unknown Hispanic male into a processing room located within the Progreso, TX POE. The unknown Hispanic female sat down alongside the unknown Hispanic male and removed some currency from her purse and handed it to the unknown Hispanic male who then handed the currency to SCBPO De Los Santos. SCBPO De Los Santos then asked the unknown Hispanic male if he knew that they were bribing him (SCBPO De Los Santos) and the unknown Hispanic male answered, "yes". SCBPO De Los Santos then counted the currency which totaled \$495.00 dollars in US currency and \$6,000.00 in Mexican pesos.

On June 16, 2012, at approximately 8:56 p.m., SA Rodriguez along with Immigration and Customs Enforcement (ICE), Office of Professional Responsibility (OPR), SA Javier Vela and Customs and Border Protection (CBP), Internal Affairs (IA), SA Cesar Garcia presented the unknown Hispanic male who identified himself as Jose Luis Huerta-Aguilar with his Miranda Rights in the Spanish language. Huerta acknowledged his understanding of his Miranda Rights by signing and waiving his rights. Huerta-Aguilar further agreed to answer any and all questions without the presence of counsel. Huerta-Aguilar readily admitted that he was attempting to bribe SCBPO De Los Santos with the \$495.00 dollars in US currency and the \$6,000.00 dollars in Mexican pesos since he did not possess Immigration documents which would allow him to legally enter the United States. Huerta-Aguilar stated that he born in Rio Bravo, Tamaulipas, Mexico on October 13, 1981. Huerta-Aguilar further acknowledged that he knew it was against the law to bribe SCBPO De Los Santos. Huerta-Aguilar further admitted that he initially called the Progreso, TX POE with the intent of attempting to bribe an officer to gain entry into the United States since he was afraid of crossing the Rio Grande River.